

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

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In re application of:

<b>JOHN R. BLAKE</b> et al.	Group Art Unit:	3653
Serial No.: 10/797,839	Examiner:	Gerald W. McClain
Filed: March 10, 2004	Confirmation No.:	5664
Docket No.: 247171-000390USPT	Customer No.:	41,230
For:	<b>COIN PROCESSING DEVICE HAVING A MOVEABLE COIN RECEPTACLE STATION</b>	

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**APPEAL BRIEF UNDER 35 U.S.C. 134**

**MAIL STOP APPEAL BRIEF – PATENTS (VIA EFS)**

COMMISSIONER FOR PATENTS  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

In response to the final rejection of claims set forth in the Office Action mailed on August 18, 2009, a Notice of Appeal was filed on October 1, 2009, pursuant to 37 C.F.R. § 41.31, concurrent with the corresponding fee set forth in 37 C.F.R. § 41.20(b)(1). Applicants now submit the following Appeal Brief and corresponding fee pursuant to 35 U.S.C. § 134 and 37 C.F.R. §§ 41.37, 41.20(b)(2), for the above identified application. In compliance with the mandate of 37 C.F.R. § 41.37(a)(1), this Appeal Brief is being timely filed within two months from the date of filing the aforesaid Notice of Appeal.

To the extent necessary, please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Nixon Peabody, P.C. Deposit Account No. 50-4181, Order No. 247171-000439USPT, and please credit any additional fees to the same deposit account.

## **I. REAL PARTY IN INTEREST**

The real party in interest is Cummins-Allison Corporation, the assignee of record, which is a corporation organized and existing under the laws of the State of Indiana, and having a place of business at 891 Feehanville Drive, Mt. Prospect, Illinois 60056.

## **II. RELATED APPEALS AND INTERFERENCES**

A second Final Office Action was issued in this application on September 12, 2008 (hereinafter "Second Final Action"). In response to the Second Final Action, Appellants filed a Notice of Appeal on December 11, 2008 concurrent with the corresponding fee and a Pre-Appeal Brief Request for Review (hereinafter "Pre-Appeal Brief Request"). A Notice of Panel Decision from Pre-Appeal Brief Review was issued January 8, 2009, directing that all pending rejections be withdrawn and prosecution be reopened. As such, there was no final decision rendered by the Board of Patent Appeals and Interferences (hereinafter "Board").

There are no other prior or pending appeals, interferences, or judicial proceedings known to Appellants, Appellants' legal representative, or the Assignee, which may be related to, directly affect or be directly affected by, or have a bearing on the Board's decision in this matter.

## **III. STATUS OF CLAIMS**

Claims 1-32 were originally presented in this application. Claims 33 and 34 were subsequently added. Claims 6, 17-24, 28, 29 and 32 have since been cancelled, without prejudice or disclaimer. Thus, claims 1-5, 7-16, 25-27, 30, 31, 33 and 34 remain pending. No claims have been allowed by the Examiner. Claims 1-5, 7-16, 25-27, 30, 31, 33 and 34 have each been rejected two or more times, and are therefore the subject of this appeal.

#### **IV. STATUS OF AMENDMENTS**

There have been no amendments to the claims, specification, or drawings filed subsequent to the third Final Office Action, mailed August 18, 2009 (hereinafter “Third Final Action”). The claims under appeal were previously presented in Appellants’ “Amendment under 37 C.F.R. § 1.111 - Response to Office Action dated October 18, 2009,” entered on May 22, 2009 (hereinafter “May ‘09 Response”). A listing of the claims is presented in the attached Appendices. *See, infra* § IX, Claims on Appeal.

#### **V. SUMMARY OF CLAIMED SUBJECT MATTER**

Appellants’ invention relates generally to coin processing and coin processing devices. More particularly, the invention relates to coin redemption machines that provide improved access to the coin receptacles of the coin processing device. The invention is recited in Appellants’ independent claims 1 and 27 as “[a] coin processing device”. In addition, the invention is featured as “[a] coin processing machine” in independent claim 5. In another embodiment, the invention is presented as “[a] method for processing coins with a coin processing machine” in independent claim 25. Independent claims 1, 5, 25 and 27, and any claims respectively depending therefrom, are the subject of this appeal.

Please note, all line numbers indicated below are designated with respect to the subject specification as published in U.S. Patent Appl. Publ. No. 2004/0256197 A1. To that extent, much of the description set forth hereinbelow is made with respect to the various embodiments depicted and described in the subject specification and accompanying drawings. These descriptive comparisons are made purely for explanatory purposes in compliance with 37 C.F.R. § 1.47(c)(v), and are therefore not intended to be limiting and should not be construed as limiting.

##### **A. INDEPENDENT CLAIM 1**

Appellants’ base claim 1 presents “[a] coin processing device”. One such coin processing device is depicted in a representative configuration in FIGS. 2-3 and FIGS. 4a-c of the drawings, and discussed with some particularity, for example, throughout paragraphs [0021]-

[0039] of the specification, as will be explained in extensive detail hereinbelow. The coin processing device of claim 1 includes “a housing,” such as housing 302 of FIG. 4a. *See* ¶¶ [0005], Ln. 1-2; [0034], Ln. 1-5. “[A] coin sorter [is] disposed within the housing”. *See* ¶¶ [0005], Ln. 1-5; [0024] Ln. 1-4; [0034], Ln. 4-5 (“The coin processing device 300 includes a housing 302 that contains a coin processing unit 100 (FIG. 2).”). The coin sorter of claim 1 comprises, *inter alia*, “an input hopper for receiving coins of a plurality of denominations”. By way of example, and not limitation, each of the coin processing devices shown in FIGS. 1 and 4a-c includes a pivoting coin input tray 12 that transfers coins, under the force of gravity, to a sorting mechanism that is disposed within a cabinet 14/housing 302 via a funnel 32 formed by a coin chute 34. *See* ¶ [0021], Ln. 5-9. A hopper 110 (best seen in FIG. 2) receives coins of mixed denominations via the funnel 32 of the coin chute 34. *See* ¶ [0024], Ln. 4-6.

The coin sorter of claim 1 also includes “a rotatable disk for imparting motion to the plurality of coins”. As explained in paragraph [0024], the hopper 110 “feeds the coins through a central opening in an annular, stationary sorting head 112.” *Id.*, Ln. 4-8. Coins that pass through this opening are deposited onto the top surface of a rotatable disk, shown in an exemplary configuration in FIG. 2 at 114. *See id.*, Ln. 8-9. This rotatable disk 114 is rotatably mounted and driven, for example, by an electric motor 116. *See id.*, Ln. 9-11; FIG. 2. “As the disk 114 is rotated, the coins deposited on the resilient pad 118 tend to slide outwardly over the surface of the pad 118 due to centrifugal force.” ¶ [0025], Ln. 1-3.

In addition to the elements discussed above, the coin sorter of claim 1 further comprises “a stationary head,” shown in an exemplary embodiment at 112 in FIG. 2. The claimed stationary sorting head has:

a lower surface generally parallel to and spaced slightly away from the rotatable disk, the lower surface having a plurality of shaped regions for controlling movement of the coins and guiding coins to a plurality of exit channels for discharging coins, the plurality of coin exit channels corresponding to a plurality of coin denominations to be processed.

According to paragraph [0025], for example, “the underside of the inner periphery of the sorting head 112 is spaced above the pad 118 by a distance which is about the same as the thickness of the thickest coin.” Ln. 6-8. As noted above, coins deposited on the resilient pad 118 will tend to slide outwardly over the surface of the pad 118 as the disk 114 is rotated. *See id.*, Ln. 1-3. As

the coins move outwardly, coins that are lying flat on the pad 118 will enter the gap between the upper surface of the pad 118 and the lower surface of the sorting head 112. *See id.*, Ln. 3-6; FIG. 2. The sorting head 112 of FIG. 2 includes a plurality of coin directing channels, best seen in FIG. 3, that manipulate the movement of the coins from an entry area to a plurality of exit stations where the coins are discharged. *See id.*, Ln. 9-12. These coin exit stations may sort the coins into their respective denominations, and discharge each coin from an exit channel in the sorting head 112 that corresponds to its particular denomination. *See id.*, Ln. 12-15. *See, also*, ¶¶ [0026]-[0030] (discussing operation of the coin processing unit 100 in detail).

The coin processing device of claim 1 also includes “a coin receptacle station” that is “disposed within the housing,” and configured to “hold[] a plurality of coin receptacles, each of [which holds] coins of a single denomination”. For instance, with respect to the representative device 300 of FIGS. 4a-c, a moveable bag receptacle station 304 is disposed within the housing 302, and operable to travel into and out of the housing 302 to facilitate an operator’s access to coin receptacles, including coin bins and coin bags that contain sorted coins. *See* ¶ [0034], Ln. 5-9. The claimed coin receptacle station “[is] moveable between a first position and a second position, the coin receptacle station being disposed entirely within the housing for receiving coins when in the first position, ... [and] extending out of the housing when in the second position”. By way of clarification, and not limitation, the receptacle station 304 can be moved into the housing 302 of the coin processing device 300 (e.g., FIG. 4a) and out of the housing 302, as seen in FIGS. 4b and 4c. *See, e.g.*, ¶¶ [0005], Ln. 9-15; [0034], Ln. 6-7; [0038], Ln. 2-5. An operator can access the coin bags 309 by opening the door 321, and moving the coin receptacle station 304 from an operating position, wherein the coin receptacle station 304 is contained entirely within the housing 302, to an accessible position, whereat the coin receptacle station 304 extends out of the housing 302, as shown in FIGS. 4a-c. *See* ¶ [0038], Ln. 8-12.

In claim 1, “the coin receptacle station [has] a manifold including a plurality of coin paths for guiding coins from the exit channels to the coin receptacles when the coin receptacle station is in the first position”. One such manifold is depicted in a representative embodiment in FIGS. 4a-c at 306. For example, paragraph [0035] explains that “[t]he receptacle station 304 includes a manifold 306 for directing coins discharged from the exit channels 261-268 of the sorting head 112 (FIG. 3) into coin bags 309 attached to bag holders 308 (FIG. 4c),

which are attached to an underside of the manifold 306.” Ln. 1-5. The manifold 306 illustrated in FIGS. 4a-c is disposed below the coin sorting unit 100 (FIG. 2), and receives sorted coins via a plurality of apertures 307. *See id.*, 5-7.

Claim 1 further comprises “a dampening mechanism configured to exert a damping force on the coin receptacle station during movement of the coin receptacle from the first position to the second position and from the second position to the first position.” By way of explanation, the receptacle station 304 may be disposed on wheels or casters 320 for facilitating movement of the receptacle station 304 into and out of the housing 302. *See* ¶ [0037], Ln. 1-3. A damping mechanism may be attached to the receptacle station 304 for controlling the speed at which the receptacle station 304 translates as it travels into and out of the housing 302. *See id.*, Ln. 6-9. For instance, “[a] first end of the damping mechanism is coupled to the coin receptacle station 304 and a second end of the damping mechanism is coupled to the housing 302.” *Id.*, Ln. 9-12. The damping mechanism, which may comprise an air cylinder, hydraulic cylinder, or like structure, prevents the moveable receptacle station 304 from traveling too rapidly into and out of the housing 302. *See id.*, Ln. 14-17. *See, also*, FIG. 5c (damping mechanism 430); ¶¶ [0045], [0047].

## **B. INDEPENDENT CLAIM 5**

Independent claim 5 presents “[a] coin processing machine,” such as the exemplary coin-processing machine featured, for example, in FIGS. 2-3 and FIGS. 6-8 of the drawings, and discussed, for example, in paragraphs [0021] through [0033] and [0048] through [0052] of the specification. The claimed coin processing machine includes “a housing,” such as housing 503 of FIG. 6, that “contain[s] a coin processing device”. *See* ¶ [0048], Ln. 1-5. *See, also*, ¶ [0005], Ln. 1-2. In claim 5, “a coin processing unit [is] disposed within the housing, [and] adapted to process received coins of a plurality of denominations and to discharge processed coins into a plurality of coin receptacles”. *See* ¶¶ [0005], Ln. 1-7; [0024], Ln. 1-4. For instance, the coin processing device 500 of FIGS. 6-8 includes a housing 503 that contains a coin processing unit, such as the coin processing unit 100 of FIG. 2. As noted above, the hopper 110 of FIG. 2 receives coins of from coin input tray 12 via the funnel 32 of the coin chute 34. *See* ¶ [0024], Ln. 4-6. Coins that pass through this opening are deposited onto the top surface of the

rotatable disk 114 (FIG. 2). *See id.*, Ln. 8-9. The rotatable disk 114 is driven, for example, by an electric motor 116. *See id.*, Ln. 9-11; FIG. 2. As the disk 114 rotates, coins deposited on top of the resilient pad 118 will slide outwardly over the surface of the pad 118 due to centrifugal force. *See* ¶ [0025], Ln. 1-3.

According to paragraph [0025], “the underside of the inner periphery of the sorting head 112 is spaced above the pad 118 by a distance which is about the same as the thickness of the thickest coin.” Ln. 6-8. As coins move outwardly over the surface of the pad 118 under the force imparted by the rotating disk 114, coins that are lying flat on the pad 118 will enter the gap between the upper surface of the pad 118 and the lower surface of the sorting head 112. *See id.*, Ln. 1-6; FIG. 2. The sorting head 112 of FIG. 2 includes a plurality of coin directing channels (best seen in FIG. 3) that are configured to manipulate the movement of the coins from an entry area to a plurality of exit stations where the coins are discharged. *See id.*, Ln. 9-12. These coin exit stations may sort the coins into their respective denominations, and discharge each coin from an exit channel in the sorting head 112 that corresponds to its particular denomination. *See id.*, Ln. 12-15.

Coin sets for any given country may be sorted by the sorting head 112 due to variations in diameter size. *See* ¶ [0026], Ln.2-4. In the embodiment shown, for example, a gauging wall 252 (FIG. 2) aligns the coins along a common radius as the coins approach the series of coin exit channels 261-268 which are shaped and sized to discharge coins of different denominations. *See* ¶ [0030], Ln. 1-4. The exit channels 261-268 are shown spaced circumferentially around the outer periphery of the sorting head 112, and positioned with the innermost edges of successive channels located progressively closer to the center of the sorting head 112 such that coins are discharged in order of increasing diameter. *See id.*, Ln. 10-15. The innermost edge of each exit channels 261-268 is positioned so that the inner edge of a coin of only one particular denomination can enter that channel 261-268. *See* ¶ [0031], Ln.1-3. The coins of all other denominations extend inwardly beyond the innermost edge of that particular exit channel and thus cannot enter the channel; therefore, these coins continue on to the next exit channel under the circumferential movement imparted on them by the pad 118. *See id.*, Ln. 4-9. *See, generally,* ¶¶ [0024]-[0030] (discussing operation of the coin processing unit 100 in detail).

The coin processing machine of claim 5 also includes “a coin receptacle station disposed within the housing for holding a plurality of coin receptacles”. *See* ¶ [0048], Ln. 1-5 (“[A] moveable coin receptacle station 502 [is] disposed within a housing 503 of the coin processing device 500.”) The coin receptacle station featured in claim 5 includes “a plurality of individually moveable platforms each having at least one coin receptacle disposed thereon”. *See id.*, Ln. 7-10; FIGS. 6, 7. Each of the moveable platforms presented in claim 5 “[is] moveable between a first position and a second position,” wherein each moveable platform “[is] disposed entirely within the housing for receiving coins in the at least one coin receptacle disposed thereon when in the first position,” (*see, e.g.*, FIG. 6, platforms 504b-e), and “extend[s] out of the housing when in the second position,” (*see, e.g.*, FIG. 6, platform 504a). By way of clarification, and not limitation, paragraph [0048] notes that each of the moveable platforms 504a-e of FIGS. 6 and 7 is slideably attached to a base 506 that may be disposed on the ground beneath the coin processing device 500 and within the housing 503, be mounted to the housing 503, or a combination thereof. *See id.*, Ln. 10-14. Each moveable platform 504a-e may be slid in and out of the housing 503, as shown in FIGS. 6 and 8. *See* ¶¶ [0005], Ln. 5-15; [0051], Ln. 5-10.

The coin processing machine of claim 5 is provided with “a track along which each moveable platform slides when moving from the first position to the second position and from the second position to the first position, wherein each of the moveable platforms is at least substantially centered directly over a corresponding track.” In operation, an operator (not shown) that wishes to access the coin receptacles 504a-e of the coin processing device 500 opens a front door 520 or rear door 522 to the housing 503. *See* ¶¶ [0051], Ln. 1-4; [0052], Ln. 1-7. Depending on which coin receptacle(s) the operator wants to access, the operator may slide the moveable platforms 504, one at a time, out of the housing 503 (as shown in FIGS. 6 and 8) to access coins contained in the coin receptacles disposed thereon. *See* ¶ [0051], Ln. 5-8. *See, also*, ¶ [0052], Ln. 7-11. The moveable coin receptacles may be disposed, for example, on wheels or rollers that move along a track disposed with in the housing. *E.g.*, FIGS. 6 and 7; ¶ [0036], Ln. 10-12.



## C. INDEPENDENT CLAIM 25

Claim 25 presents “[a] method for processing coins with a coin processing machine”. An exemplary coin processing machine by which the method of claim 25 may be practiced is featured, for example, in FIGS. 2-3 and FIGS. 6-8 of the drawings, and discussed, for example, in paragraphs [0021]-[0033] and [0048]-[0052] of the specification. The coin processing machine set forth in claim 25 includes “a housing,” such as housing 503 of FIG. 6, and “a coin sorting unit disposed within the housing”. *See* ¶ [0048], Ln. 1-5. *See, also*, ¶¶ [0005], Ln. 1-7; [0024], Ln. 1-4. A representative coin sorting unit is shown in FIGS. 2 and 3 (coin processing unit 100 and sorting head 112, respectively), and described in detail in paragraphs [0024] through [0030].

The coin processing machine presented in claim 25 further comprises “a plurality of moveable coin receptacle platforms each bearing at least one coin receptacle,” wherein each coin receptacle platform “[is] disposed over a track and ... independently moveable on the track”. In FIG. 6, for example, a moveable coin receptacle station 502 is disposed within a housing 503 of the coin processing device 500. *See* ¶¶ [0005], Ln. 5-7; [0048], Ln. 1-5. The coin receptacle station 502 includes a plurality of moveable coin-receptacle platforms 504a-e. *See* ¶¶ [0005], Ln. 7-9; [0048], Ln. 7-8. Each of the moveable platforms 504a-e depicted in FIGS. 6 and 7 is slideably attached to a base 506 that may be mounted, for example, to the housing 503. *See id.*, Ln. 10-14. Each of the moveable coin receptacle platforms of claim 25 “[is] disposed entirely within the housing for receiving coins when in a first position”. With continued reference to the examples presented in FIGS. 6-8, the moveable platforms 504 may be slid in and out of the housing 503 (as shown in FIGS. 6 and 8) to provide access to coins contained in the coin receptacles disposed thereon. *See* ¶ [0051], Ln. 5-8. *See, also*, ¶¶ [0005], Ln. 5-15; [0052], Ln. 7-11. For instance, in FIG. 6, platforms 504b-e are shown in a first position, located inside the housing 503, to receive coins from a respective funnel-like guide 511. In contrast, platform 504a is shown in a second position, retracted out of the housing 503. The moveable platforms 504a-e may be disposed, for example, on wheels or rollers that move along a track disposed within the housing. *E.g.*, FIGS. 6 and 7; ¶ [0036], Ln. 10-12.

The method of claim 25 includes “receiving in a coin input region a plurality of coins of a plurality of predetermined denominations”. As seen, for example, in FIG. 6, the coin

processing device 500 includes a coin input tray, similar to input tray 12 of FIG. 1, that receives coins of a mixed denomination, and transfers the coins (e.g., under the force of gravity) to a sorting mechanism that is disposed within the housing 503. *E.g.*, ¶¶ [0005], Ln. 1-7; [0021], Ln. 5-9; [0023], Ln. 1-4; [0024] Ln. 1-4. Claim 25 also recites “sorting the plurality of coins according to denomination with the coin sorting unit,” and “directing sorted coins to the plurality of coin receptacles”. As explained above, a hopper 110 (best seen in FIG. 2) receives coins from the coin input tray, for example, via a funnel 32 of a coin chute 34. *See, e.g.*, ¶ [0024], Ln. 4-6. The hopper 110 feeds the coins through a central opening in an annular, stationary sorting head 112. *See id.*, Ln. 4-8. Coins that pass through this opening are deposited onto the top surface of a rotatable disk, shown in an exemplary configuration in FIG. 2 at 114. *See id.*, Ln. 8-9.

Coins deposited on the top surface of rotatable disk 114 (e.g., on resilient pad 118) will slide outwardly over the surface of the rotatable disk 114, under centrifugal force, as the disk 114 rotates. *See* ¶ [0025], Ln. 1-3. As the coins move outwardly, coins that are lying flat on the pad 118 will enter the gap between the upper surface of the pad 118 and the lower surface of the sorting head 112. *See id.*, Ln. 3-6; FIG. 2. The sorting head 112 of FIG. 2 includes a plurality of coin directing channels, best seen in FIG. 3, that manipulate the movement of the coins from an entry area (e.g., entry channel 132 of FIG. 3) to a plurality of exit stations (e.g., exit channels 261-268 of FIG. 3) where the coins are discharged. *See id.*, Ln. 9-12. These coin exit stations may sort the coins into their respective denominations, and discharge each coin from an exit channel in the sorting head 112 that corresponds to its particular denomination. *See id.*, Ln. 12-15. *See, also*, ¶¶ [0026]-[0030] (discussing operation of the coin processing unit 100 in detail).

The method of claim 25 further comprises “determining, using a controller, if a predetermined number of coins have been discharged to one of the coin receptacles,” and “automatically terminating coin sorting when said controller determines that a predetermined number of coins have been discharged to said one coin receptacle”. For example, according to paragraph [0022], “a controller (not shown) of the coin processing device 10 ... determines the coin totals during sorting, controls the termination of coin sorting (e.g., when a predetermined number of coins have been transferred to a coin bag), and calculates pertinent data regarding the sorted coins.” *Id.*, Ln. 1-6.

In addition to the acts discussed above, claim 25 also includes “sliding the moveable coin receptacle platform bearing said one coin receptacle along the track from the first position to permit access to said one coin receptacle; removing coins from said one coin receptacle; and sliding said moveable coin receptacle platform back to the first position along the track.” Each moveable platform 504a-e may be slid in and out of the housing 503, as shown in FIGS. 6 and 8. *See* ¶¶ [0005], Ln. 5-15; [0051], Ln. 5-10. In operation, an operator (not shown) that wishes to access the coin receptacles 504a-e of the coin processing device 500 opens a front door 520 or rear door 522 to the housing 503. *See* ¶¶ [0051], Ln. 1-4; [0052], Ln. 1-7. Depending on which coin receptacle(s) the operator wants to access, the operator may slide the moveable platforms 504, one at a time, out of the housing 503 (as shown in FIGS. 6 and 8) to access coins contained in the coin receptacles disposed thereon. *See* ¶ [0051], Ln. 5-8. *See, also*, ¶ [0052], Ln. 7-11.

#### **D. INDEPENDENT CLAIM 27**

Independent claim 27 presents “[a] coin processing device,” such as the exemplary coin-processing device presented in FIGS. 2-3 and FIGS. 6-8 of the drawings, and discussed, for example, in paragraphs [0021]-[0033] and [0048]-[0052] of the specification. The claimed coin processing machine includes “a housing,” such as housing 503 of FIG. 6, with “a coin sorting unit disposed within the housing”. *See* ¶ [0048], Ln. 1-5. *See, also*, ¶ [0005], Ln. 1-2. The coin sorting unit “[is]configured to sort a batch of coins and discharge the sorted coins according to denomination.” *See supra*, § V.B, at 6-7. *See, also*, ¶¶ [0024]-[0030] (discussing operation of the coin processing unit 100 in detail).

The coin processing device of claim 27 also includes “a coin receptacle area comprising a coin receptacle station disposed within the housing for holding a plurality of coin receptacles”. Paragraph [0048] explains that a moveable coin receptacle station, shown at 502 in FIG. 6, is disposed within a housing 503 of the coin processing device 500. *See, also*, ¶ [0005], Ln. 5-7. The coin receptacle station 502 holds an array of coin receptacles. *See* ¶¶ [0048], Ln. 7-10; [0049], Ln. 1-2 (For example, “[t]he coin receptacles that the illustrated coin receptacle station 502 isdesigned to accommodate are coin bags.”). Each coin receptacle is configured “for receiving discharged coins of a single denomination”. *See* ¶ [0050], Ln. 1-25. The coin

receptacle station of claim 27 “includ[es] a plurality of individually moveable platforms each having at least one coin receptacle disposed thereon, each moveable platform being moveable between a first operable position and a second inoperable position, each moveable platform being disposed entirely within the housing for receiving coins in the at least one coin receptacle disposed thereon when in the first operable position, each moveable platform extending out of the housing when in the second inoperable position”. By way of example, the coin receptacle station 502 of FIGS. 6-8 includes a plurality of moveable coin-receptacle platforms 504a-e. *See* ¶¶ [0005], Ln. 7-9; [0048], Ln. 7-8. Each of the moveable platforms 504a-e depicted in FIGS. 6 and 7 is slideably attached to a base 506 that may be mounted, for example, to the housing 503. *See id.*, Ln. 10-14. The moveable platforms 504 may be slid in and out of the housing 503 (as shown in FIGS. 6 and 8) to provide access to coins contained in the coin receptacles disposed thereon. *See* ¶ [0051], Ln. 5-8. *See, also*, ¶¶ [0005], Ln. 5-15; [0052], Ln. 7-11.

Claim 27 also recites “a plurality of tracks, each of the plurality of individually moveable platforms being connected to a respective one of the plurality of tracks and being physically constrained to slide only from said first operable position to said second inoperable position and from said second inoperable position to said first operable position along a corresponding one of said plurality of tracks.” For instance, in FIG. 6, platforms 504b-e are shown in a first position, located inside the housing 503, to receive coins from a respective funnel-like guide 511. In contrast, platform 504a is shown in a second position, retracted out of the housing 503. The moveable platforms 504a-e may be disposed, for example, on wheels or rollers that move along a track disposed within the housing. *E.g.*, FIGS. 6 and 7; ¶ [0036], Ln. 10-12. Each platform 504a-e is generally constrained to slide only between the first operable position (e.g., platforms 504b-e, FIG. 6) and the second inoperable position (e.g., platform 504a, FIG. 6), and vice versa, along a corresponding track.

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

1. Whether claims 26 and 27 are unpatentable under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement.

2. Whether claims 26 and 27 are unpatentable under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Appellants regard as their invention.

3. Whether claims 1, 2 and 4 are unpatentable under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Appl. Publ. No. 2002/0162724 A1, to Hino et al. (hereinafter “Hino”), in view of U.S. Patent Appl. Publ. No. 2001/0008358 A1, to Brustle (hereinafter “Brustle”).

4. Whether claim 3 is unpatentable under 35 U.S.C. § 103(a) as being obvious over Hino, in view of commonly owned U.S. Patent No. 6,318,537 B1, to Jones et al. (hereinafter “Jones”).

5. Whether claims 5, 7-9, 27, 33 and 34 are unpatentable under 35 U.S.C. § 103(a) as being obvious over Hino, in view of U.S. Patent No. 4,387,942, to Lense (hereinafter “Lense”).

6. Whether claim 25 is unpatentable under 35 U.S.C. § 103(a) as being obvious over Hino in view of Lense.

7. Whether claim 25 is unpatentable under 35 U.S.C. § 103(a) as being obvious over Hino in view of Mueller.

8. Whether claims 27 and 33 are unpatentable under 35 U.S.C. § 103(a) as being obvious over Hino in view of Mueller.

9. Whether claims 14-16 and 26 are unpatentable under 35 U.S.C. § 103(a) as being obvious over Hino in view of Lense, and further in view of U.S. Patent Appl. Publ. No. 2002/0011393 A1, to Siemens (hereinafter “Siemens”).

10. Whether claims 14-16 and 26 are unpatentable under 35 U.S.C. § 103(a) as being obvious over Hino in view of Mueller, and further in view Siemens.

11. Whether claims 10, 12, 13 and 30 are unpatentable under 35 U.S.C. § 103(a) as being obvious over Hino in view of Lense, and further in view of Jones.

12. Whether claim 30 is unpatentable under 35 U.S.C. § 103(a) as being obvious over Hino in view of Mueller, and further in view of Jones.

13. Whether claim 31 is unpatentable under 35 U.S.C. § 103(a) as being obvious over Hino in view of Lense, and further in view of Jones.

14. Whether claim 31 is unpatentable under 35 U.S.C. § 103(a) as being obvious over Hino in view of Muellner, and further in view of Jones.

## VII. ARGUMENTS

### A. LEGAL SUMMARY

#### 1. 35 U.S.C. 112, First Paragraph

The “written description” requirement of 35 U.S.C. 112, first paragraph, demands that every patent application be filed with a “full and clear” disclosure sufficient to place the public in possession of the claimed invention. *See* MPEP 2162, 2163; *Regents of the Univ. of Calif. v. Eli Lilly*, 119 F.3d 1559, 1566 (Fed. Cir. 1997). The objective standard for determining compliance with the § 112, first paragraph, written description requirement, as established by judicial precedent and set forth in the MPEP guidelines, is whether an applicant’s description “allow[s] persons of ordinary skill in the art to recognize that he or she invented what is claimed.” MPEP 2163.02, citing *In re Gosteli*, 872 F.2d 1008, 1012 (Fed. Cir. 1989). “[T]he essential goal of the description ... requirement is to clearly convey ... that an applicant has invented the subject matter which is claimed.” *In re Barker*, 559 F.2d 588, 592 (CCPA 1977) (emphasis added).

To show “possession”, and thus compliance with the written description requirement, does not demand claim language be repeated verbatim in the detailed description portion of the specification. *See* MPEP 2163.02 (“The subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement.” Emphasis in original.) Rather, one complies with 112, ¶1, written description “by such descriptive means as words, structures, figures, diagrams, formulas, etc., that fully set forth the claimed invention.” *Lockwood v. American Airlines, Inc.*, 107 F.3d 1565, 1572, (Fed. Cir. 1997). Notably, “possession” may be evidenced by a “showing that the invention was ‘ready for patenting’ such as by the disclosure of drawings ... that show that the invention was complete.” MPEP 2163 (emphasis added) “It is now well accepted that a satisfactory description may be in the claims or any other portion of the originally filed specification.” *Id.*

If the art to which the subject invention is relatively simple, or the level of ordinary skill in the art is high, the requisite length and detail of the written description is reduced. *E.g., Fujikawa v. Wattanasin*, 93 F.3d 1559 (Fed. Cir. 1996). Moreover, **each claim need not encapsulate every possible permutation or envisioned variant of the invention to meet 112 requirements**. Rather, all that is necessary to satisfy the written description requirement is to show that one was “in possession” of the claimed invention “as of the filing date sought”. MPEP 2163.02. *See, also, Vas-Cath Inc. v. Mahurkar*, 935 F.2d 1555, 1563-64, (Fed. Cir. 1991). In fact, **there is a “strong presumption” that an adequate written description of the claimed invention is present when the application is filed**. MPEP 2163.04. *See, e.g., In re Marzocchi*, 439 F.2d 220, 224 (CCPA 1971). The reviewing examiner carries the initial burden of proving, by sufficient evidence and facts, why persons skilled in the art would not recognize in the disclosure a description of the invention defined by the claims. *See* MPEP 2163.04 citing *In re Wertheim*, 541 F.2d 257, 263 (CCPA 1976). *See, also, In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992) (The reviewing examiner “bears the initial burden . . . of presenting a prima facie case of unpatentability.”).

For at least the following reasons, the pending 112, ¶1, rejections are improper and should be withdrawn.

## **2. 35 U.S.C. 112, Second Paragraph**

The primary purpose of the “definiteness requirement” is to ensure that the scope of the claims “is clear” so the public is informed of the boundaries of what constitutes infringement of the patent. *See* MPEP 2173. **The objective test for definiteness under § 112, second paragraph, is whether “those skilled in the art would understand what is claimed when the claim is read in light of the specification.”** *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576 (Fed. Cir. 1986). As explicated in related judicial opinions and MPEP guidelines:

[t]he essential inquiry pertaining to [the section 112 definiteness] requirement is **whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity**. Definiteness of claim language must be analyzed, not in a vacuum, but in light of:

- (A) The content of the particular application disclosure;
- (B) The teachings of the prior art; and

(C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

MPEP 2173.02 (emphasis added). See *Metabolite Labs, Inc. v. Lab. Corp. of Am. Holdings*, 370 F.3d 1354, 1366-67 (Fed. Cir. 2004).

A rejection based on the failure to satisfy the “definiteness requirement” is appropriate “**only where** applicant has stated, somewhere other than in the application as filed, that the invention is something different from what is defined by the claims.” MPEP 2172. In other words, “the invention set forth in the claims **must be presumed, in the absence of evidence to the contrary**, to be that which applicants regard as their invention.” *In re Moore*, 439 F.2d 1232, 1235 (CCPA 1971) (emphasis added).

It is not relevant to 112, ¶2, inquiries whether alternate embodiments **could** be incorporated into the claim under scrutiny. In fact, “if the language used by applicant satisfies the statutory requirements of 35 U.S.C. 112, second paragraph, but the examiner merely wants the applicant to improve the clarity or precision of the language used, **the claim must not be rejected under 35 U.S.C. 112, second paragraph**”. MPEP 2173.02 (emphasis added.)

“The examiner’s focus during examination of claims for compliance with the requirement for definiteness of 35 U.S.C. 112, second paragraph, is whether the claim meets the threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available.” MPEP 2173.02. **A claim term that is not explicitly presented or defined in the detailed description “is not indefinite if the meaning of the claim term is discernable.”** *Bancorp Services, L.L.C. v. Hartford Life Ins. Co.*, 359 F.3d 1367, 1372 (Fed. Cir. 2004). If the disputed claim term is readily discernable, 35 U.S.C. 112, ¶2, is satisfied.

For at least the following reasons, the pending 112, ¶2, rejections are improper and should be withdrawn.

### 3. 35 U.S.C. 103

A proper rejection under Section 103(a) of the U.S. Patent Act (Title 35 of the U.S. Code) requires the examiner establish *prima facie* obviousness. In particular, the legal concept of *prima facie* obviousness is a procedural tool of examination which applies to all arts,



allocating who has the burden of going forward with production of evidence in each step of the examination process. *See* MPEP 2142. *See also, In re Rinehart*, 531 F.2d 1048 (CCPA 1976); *In re Linter*, 458 F.2d 1013 (CCPA 1972). Of notable importance, it is “[t]he examiner [who] bears the initial burden of factually supporting any *prima facie* conclusion of obviousness.” MPEP § 2142 (emphasis in original). *See In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992). In fact, **“[i]f the examiner fails to produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.”** MPEP § 2142 (emphasis added). *See In re Piasecki*, 745 F.2d 1468, 1471 (Fed. Cir. 1984).

To properly substantiate a *prima facie* case of obviousness under Section 103(a) requires, *inter alia*, the applied reference(s) teach, suggest, or otherwise disclose each and every element and limitation of the rejected claim(s). *See In re Kotzab*, 217 F.3d 1365, 1369-71 (Fed. Cir. 2000); *In re Royka*, 490 F.2d 981 (CCPA 1974) (“[O]bviousness requires a suggestion of all limitations in a claim.”) In setting forth a *prima facie* case, the examiner may not opportunistically disregard certain claim terms; rather, “[e]very] word[] in a claim must be considered in judging the patentability of a claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970). “When determining whether a claim is obvious, **an examiner must make ‘a searching comparison of the claimed invention – including all its limitations – with the teaching of the prior art.’**” *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added).

In addition to demonstrating that the applied art teaches each and every element and limitation of a rejected claim(s), **the law of obviousness requires the reviewing examiner to clearly articulate “an apparent reason” why a person skilled in the art would be compelled to combine “the known elements” to achieve the invention “claimed by the patent at issue.”** *KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007). “[R]jections on obviousness **cannot be sustained with mere conclusory statements**; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (emphasis added). To that extent, the mere fact that references can be combined or modified does not render the resultant combination obvious. *See* MPEP 2143.01 (III). The Supreme Court has clarified that **“a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.”** *KSR Int’l*, 127 S. Ct. at 1741 (emphasis added). Rather, there must be “an apparent reason to combine the known elements in the fashion claimed by the patent at issue,”

and such reasoning must “be made explicit.” *Id.*, at 1742.

Section 2143.01(VI) of the MPEP notes that the an examiner’s proposed modification of a cited reference is not sufficient to render a claim *prima facie* obvious “[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified”. Citing *In re Ratti*, 270 F.2d 810 (CCPA 1959). The court in *Ratti* emphasizes that a proposed modification which requires a “redesign of the elements shown in [the primary reference]” is grounds for overturning a finding of obviousness. *See* MPEP 2143.01(VI). *See, also, Ex parte Lovett*, 2007-1451 (BPAI June 13, 2007) (“[A] combination of references that would require a substantial reconstruction and redesign of the elements shown [in] the prior art as well as a change in the basic principles under which the prior art was designed to operate is not a proper ground for an obviousness rejection ....”)

For at least the reasons stated below, Appellants’ respectfully submit that the Examiner has not set forth a *prima facie* case of obviousness under 35 U.S.C. § 103.

**B. THE 112, ¶1, REJECTIONS OF CLAIMS 26 AND 27 ARE ERRONEOUS AND CONTRARY TO FEDERAL DIRECTIVES**

**1. Claim 26**

With respect to claim 26, the Examiner finds that the claim “contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.” Third Final Action, at 2, ¶ 3. In particular, the Examiner opines “it was not specified that the door [sic] was ‘only’ moved ‘subsequent to the opening of the door of the housing’”. *Id.* The Examiner then opines, without any evidentiary support, that “[t]here may be other causes of the movement such as tipping the apparatus.” *Id.*

*a. The Examiner has not provided sufficient evidence to overcome the “strong presumption” that Appellants’ specification, as filed, provides an adequate written description for claim 26.*

The Examiner's allegations do not establish that a person of ordinary skill in the art would not recognize in Appellants' disclosure a method comprising, *inter alia*, the acts of "opening a door of the housing prior to moving any coin receptacle platform" and "moving, only subsequent to the opening of the door of the housing, a coin receptacle platform from the first position to the second position," as set forth in claim 26. As noted above, Appellants' specification "is presumed to be adequate, unless or until sufficient evidence or reasoning to the contrary has been presented by the examiner to rebut the presumption." MPEP 2163.04. *See, e.g., In re Marzocchi*, 439 F.2d at 224. Absent evidence to the contrary, MPEP and judicial directives require the pending rejection of claim 26 under 112, ¶1, be withdrawn.

**The possibility or likelihood that "[t]here may be other causes of the movement such as tipping the apparatus," as proffered by the Examiner, is irrelevant and has no bearing on whether the subject specification complies with 112, ¶1.** *See* MPEP 2163.02; *Vas-Cath Inc.*, 935 F.2d at 1563-64. The focus of the written description requirement is on the invention "as claimed," and the descriptive support provided therefore by the specification. *See* MPEP 2162, 2163; *Regents of the Univ. of Calif.*, 119 F.3d at 1566. In the case at bar, what is relevant to the section 112, ¶1, inquiry is that any person of ordinary skill in the art, looking at the specification (e.g., paragraph [0038] in conjunction with FIG. 4a; paragraph [0042] in conjunction with FIG. 5a; and paragraph [0052] in conjunction with FIG. 6), would recognize that an operator may be required, as set forth in claim 26, to (1) open the door of the housing prior to moving one of coin receptacle platforms; and (2) may move a coin receptacle platform from the first position only subsequent to the opening of the door of the housing. Heretofore, the Examiner has not shown, by a preponderance of the evidence (i.e., provided any evidence or reasoning), to the contrary.

For at least the foregoing reason, the 112, ¶1, rejection of claim 26 is erroneous, and should therefore be reversed.

***b. Appellants' specification, as filed, provides an adequate written description for claim 26.***

The subject specification conveys with reasonable clarity that, as of the filing date, Appellants were in possession of the invention presented in claim 26. In particular, the

specification “clearly conveys” to those of ordinary skill in the art that “[Appellants] invented the subject matter” presented in claim 26, including requiring an operator to (1) first open the door of the coin processing machine housing prior to moving one of coin receptacle platforms; and (2) move the coin receptacle platform from the first position only after opening the door of the housing. *See, e.g., In re Barker*, 559 F.2d at 592.

For instance, paragraph [0038] of the specification explains that “a door 321 prevents unauthorized access to the coin bags 309”. At certain times or upon the occurrence of certain events an operator may need to access the coin bags 309, wherein “the operator opens the door 321 and moves the coin receptacle station 304 from an operating position.” *Id.* In the exemplary embodiments of FIGS. 5a-c, paragraph [0042] of the specification states that “rotatable bag station 404 permits an operator to access each of the coin bags 406 from the front of the coin processing device 400 **after opening a door 413.**” (Emphasis added). Likewise, Appellants’ specification explains that “[i]n operation, an operator of the coin processing device 500 that desires to access the coin receptacles **first opens a front door 520 of the housing 503 to access the coin receptacles**”. *Id.*, ¶ [0051] (Emphasis added). Even the originally presented claims disclose “a door moveable between an open position and a closed position, the door permitting a moveable platform to move from the first position to the second position **when the door is in the open position.**” Claim 14 (emphasis added). *See, also*, MPEP 2163 (Compliance with 112, ¶1, may be by way of the original claims.) These various disclosures clearly evidence that the specification conveys, with reasonably clarity, that Appellants were in possession of the invention recited in claim 26 as of the filing date sought.

For at least these reasons, and those reasons set forth above in section VII.B.1.a, *supra* at 18-19, the 112, ¶1, rejection of claim 26 is erroneous, and should therefore be reversed.

## 2. Claim 27

Turning then to claim 27, the Examiner finds that the claim “contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.” Third Final Action, at 2, ¶ 3. In particular, the Examiner alleges that the original disclosure does not specify that Applicants’ claimed platform is “‘only’

moved ‘from the first operable position to said second inoperable position [and back]’. ” *Id.*. This observation is premised solely on the unfounded and otherwise self-serving observation that “[t]here may be other causes of the movement such as finite movement between the first and second **operable** positions.” *Id.*, (emphasis added).

***a. The Examiner has not provided sufficient evidence to overcome the “strong presumption” that Appellants’ specification, as filed, provides an adequate written description for claim 27.***

The Examiner’s allegations do not establish that a person of ordinary skill in the art would not recognize in Appellants’ disclosure the coin processing device set forth in claim 27, including, *inter alia*:

[a] plurality of individually moveable platforms [] connected to a respective one of [a] plurality of tracks and being physically constrained to slide only from said first operable position to said second inoperable position and from said second inoperable position to said first operable position along a corresponding one of said plurality of tracks.

Once again, Appellants’ specification “is presumed to be adequate” absent sufficient evidence to the contrary. *See* MPEP 2163.04. Heretofore, the Examiner has not provided any evidence showing that the invention “as claimed” is not adequately described under the tenets of 112, ¶ 1.

**The mere prospect that “[t]here may be other causes of the movement such as finite movement between the first and second operable positions”, as proposed by the Examiner, is irrelevant and has no bearing on whether the subject specification complies with 112, ¶1. *See* MPEP 2163.02; *Vas-Cath Inc.*, 935 F.2d at 1563-64. Firstly, this speculation is misdirected as claim 27 does not recite movement between “first and second **operable** positions,” as discussed by the Examiner; in contradistinction, “each moveable platform [is] moveable between a first operable position and a second **inoperable** position”. (Emphasis added.) Secondly, the focus of the 112, ¶1, written description requirement is on the invention “as claimed,” and the descriptive support provided therefore by the specification. *See* MPEP 2162, 2163; *Regents of the Univ. of Calif.*, 119 F.3d at 1566. As such, what is relevant in the case at bar to the section 112, ¶1, inquiry is that any person of ordinary skill in the art, referencing the subject specification (e.g., paragraphs [0048]-[0052] in conjunction with FIGS.**

6-8) would recognize that each of the claimed “individually moveable platforms” may be connected to a respective one of the tracks and physically constrained so as to slide only from the first operable position to the second inoperable position (and vice versa) along a corresponding track, as required by claim 27. Heretofore, there is no evidence on the record showing to the contrary.

For at least the foregoing reason, the 112, ¶1, rejection of claim 27 is erroneous, and should therefore be reversed.

***b. Appellants’ specification, as filed, provides an adequate written description for claim 27.***

The subject specification conveys with reasonable clarity that, as of the filing date, Appellants were in possession of the invention presented in claim 27. In particular, the specification “clearly conveys” to those of ordinary skill in the art that “[Appellants] invented the subject matter” presented in claim 27, including “a plurality of individually moveable platforms” that are connected to a respective one of a plurality of tracks and “physically constrained to slide only from said first operable position to said second inoperable position [and vice versa] along a corresponding one of said plurality of tracks.” *See, e.g., In re Barker*, 559 F.2d at 592.

By way of example, the Abstract explains that “[e]ach moveable platform is moveable between a first position and a second position” wherein “[e]ach moveable platform is disposed entirely within the housing for receiving coins ... when in the first position” and wherein “each moveable platform extends out of the housing when in the second position.” *See, also*, ¶ [0005]. Original FIGS. 6-8 also provide adequate support for the objected to claim language. *See* MPEP 2163(II)(A)(3)(a) (“Possession may [] be shown by a clear depiction of the invention in detailed drawings ... which permit a person skilled in the art to clearly recognize that applicant had possession of the claimed invention.”) *See, also, Mahurkar*, 935 F.2d at 1565, (“drawings alone may provide a ‘written description’ of an invention as required by Sec. 112”). For example, FIGS. 6 and 7 clearly shows a movable platform 504a that is connected to a respective one of the tracks, and physically constrained to that track when sliding to the extracted, inoperable position, whereat the platform is situated outside of the housing 503. FIG. 6 also shows each of the movable platforms 504b-e connected to a respective one of the tracks,

and physically constrained to that respective track when sliding to the operable position, whereat the platforms are situated inside the housing 503. Accordingly, a person of ordinary skill in the art can clearly see that the moveable platforms 504a-e are “physically constrained to slide ... along a corresponding one of said plurality of tracks” when transitioning back and forth between the first and second positions. These various disclosures clearly evidence that the specification conveys, with reasonably clarity, that Appellants were in possession of the invention recited in claim 26 as of the filing date sought. As such, it is respectfully submitted that the requirements of 112, ¶ 1, has been satisfied for claim 27.

For at least these reasons, and those reasons set forth above in section VII.B.1.a, *supra* at 18-19, the 112, ¶1, rejection of claim 26 erroneous, and should therefore be reversed.

**C. THE 112, ¶2, REJECTIONS OF CLAIMS 26 AND 27 ARE ERRONEOUS AND CONTRARY TO FEDERAL DIRECTIVES**

Claims 26 and 27 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Appellants regard as their invention. With respect to claim 26, the 112, ¶ 2, rejection is premised solely on the Examiner’s allegation that “it is unclear if there are or not other mechanisms for opening the door”. Third Final Action, at 3, ¶ 2. Likewise, as to claim 27, the Examiner alleges that “it is unclear if there are other movements of the platforms along the tracks.” *Id.*, ¶4. The § 112, ¶2, rejections of claims 26 and 27 do not comport with Federal Judicial mandates and MPEP directives.

**1. Claim 26**

Claim 26 recites two acts: (1) opening a door of the housing, and (2) moving a coin receptacle platform only after opening of the door of the housing. Federal case law (as well as the MPEP) asks whether claim 26 sets and circumscribe this subject matter with “a reasonable degree of clarity and particularity.” *See Metabolite Labs*, 370 F.3d at 1366-67. It appears the Examiner is proposing that one of ordinary skill, in view of the subject specification and common knowledge, would not know how to open the door 520 of the housing 503 (e.g., FIG.

6), or that the door 520 of the housing 503 may need to be opened prior to moving any coin receptacle platforms 504a-e. This allegation is highly illogical. FIG. 6 clearly exemplifies that the housing door 520 must be opened before the platform 504a can be fully extracted from the housing 503, and oriented in the inoperable position shown. Whether or not there are “other mechanisms for opening the door,” as the Examiner posits, does not negate the clarity and particularity of the invention as claimed. In contrast, a person of ordinary skill in the art, in light of the specification and common knowledge, would clearly understand the metes and bounds of claim 26, and what constitutes infringement of the that claim. *See* MPEP 2173. As such, claim 26 satisfied the 112, ¶2, definiteness requirement.

Heretofore, the Examiner has not provided any evidence or proper reasoning to show that claim 26 is indefinite. In particular, the Examiner has not shown that Appellants “[have] stated, somewhere other than in the application as filed, that the invention is something different from what is defined by the claims.” MPEP 2172. Even if there are “other mechanisms for opening the door,” as proposed by the Examiner, such an inquiry is not relevant in a discussion of definiteness. In contrast, the Examiner’s focus for compliance with the definiteness requirement of 112, second paragraph, “is whether the claim meets the threshold requirements of clarity and precision, **not whether more suitable language or modes of expression are available.**” MPEP 2173.02 (emphasis added). Absent evidence to the contrary “the invention set forth in the claims **must be presumed** ... to be that which applicants regard as their invention.” *In re Moore*, 439 F.2d at 1235.

## 2. Claim 27

As per claim 27, the invention presented therein comprises, *inter alia*:

1. a plurality of individually moveable platforms; and
2. a plurality of tracks, wherein each of the moveable platforms is connected to a respective one of the tracks and physically constrained to slide only from the first operable position to the second inoperable position, and back, along a corresponding one of the tracks.



Respectfully, there are no ambiguities or vagaries in the above-listed elements and corresponding limitations. As such, Appellants submit that the subject matter of claim 27 is set forth with the requisite with “degree of clarity and particularity.” *See Metabolite Labs*, 370 F.3d at 1366-67.

A person of ordinary skill, looking at FIGS. 6-8, and evaluating the corresponding sections of the specification, such as paragraphs [0048]-[0025], would readily appreciate the metes and bounds (i.e., what constitutes infringement) of claim 27 at the time of filing. For the 112, ¶2, rejection to be proper, the Examiner had the burden of demonstrating that one of ordinary skill in the art, having read claim 27 in light of the specification, would fail to appreciate the subject matter set forth in the claim with a reasonable degree of clarity. *See, e.g., Solomon v. Kimberly-Clark Corp.*, 216 F.3d 1372, 1379 (Fed. Cir. 2000). Heretofore, the Examiner has not shown otherwise; as such, the rejection should be withdrawn. *See In re Larsen*, No. 01-1092 (Fed. Cir. May 9, 2001).

On a final note, in the “Response to Arguments” section of the Third Final Action, the Examiner responds to **all** of the asserted deficiencies with **both the 112, ¶1 and ¶2, rejections** (which were previously submitted in Appellants’ May ‘09 Response, at § II.A and B, at 7-11) by stating, *in toto*, that “Applicant’s disclosure, **which demonstrates possession**, does not indicate that each and every movement is excluded from all possible movements other than that of the claimed movement.” Third Final Action, at 17 (emphasis added). Firstly, if Appellants’ specification “demonstrates possession” of claims 26 and 27, as acknowledged by the Examiner, then the 112, ¶1, written description requirement has been satisfied. *See* MPEP 2163.02. Secondly, by attempting to address both the 112, ¶1, and 112, ¶2, rejections collectively, it appears that the Examiner is not, and has not been applying the appropriate standards to either analysis, as they are separate and mutually exclusive analysis. *Compare*, MPEP §§ 2161-2164 with MPEP §§ 2171-2174. Thirdly, the one sentence retort presented in the “Response to Arguments” section does not address any of the requirements set forth in the MPEP for satisfying 112, ¶ 1 or ¶ 2. Much like the original reasoning presented in 112, ¶¶ 1 and 2, rejections, the allegation presented in the “Response to Arguments” section is wholly unrelated to the statutory requirements for complying with 35 U.S.C. 112.

**D. ALL PENDING 103(A) REJECTIONS ARE ERRONEOUS AND INADEQUATE**

**1. Claims 1-2 and 4**

Claims 1, 2 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hino in view of Brustle. Applicants respectfully traverse this rejection as deficient and improper. The Examiner rejects claims 1, 2 and 4 on the premise that Hino discloses “housing (See FIG. 2, 110); coin sorter (S); input hopper (112); rotatable disk (2); stationary head (1); lower surface ([0137]); shaped regions (10); exit channels (8a to 8c); coin receptacle station (120); coin receptacles (124a to 124j); first position (FIG. 2); second position (FIG. 4); manifold (location of 152); coin paths (152)”. Third Final Action, at 3, ¶ 5, -4, ¶ 1. However, the Examiner does acknowledge that Hino does not teach “a dampening mechanism configured to exert a damping force on the coin receptacle station during movement of the coin receptacle from the first position to the second position and from the second position to the first position.” *See id.* In light of this deficiency, the Examiner turns to Brustle, alleging that:

Brustle shows a **similar device** having a dampening mechanism (Fig. 6, 20) and **first & second ends (Claim 4, see Fig. 6, 7 & 8) for the purpose of disposing the dampening mechanism and the coin receptacle station** into the housing (paragraph [0003]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino as taught by Brustle and include Brustle’s **similar device** having a dampening mechanism and first & second ends for the purpose of disposing the dampening mechanism **and the coin receptacle station** into the housing.

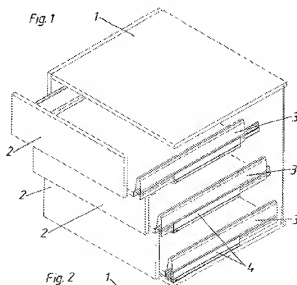
*Id.*, ¶ 2 (emphasis added). The pending 103 rejection of independent claims 1, 2 and 4, is improper for at least three reasons: first, the Brustle reference is non-analogous art; second, the Examiner has failed to provide a proper “apparent reason” to make the proposed modification; and third, the Examiner’s proposed combination of Hino and Brustle is improper as it would require a substantial redesign and reconstruction of the primary reference.

***a. The Brustle reference is non-analogous art that may not be relied upon in rejecting the pending claims under § 103(a).***

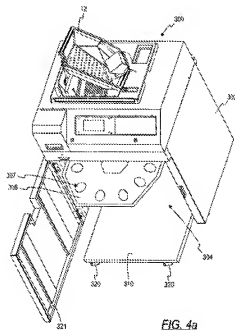
“To rely on a reference under 35 U.S.C. 103, “**it must be analogous art.**” MPEP 2141.01(a) (emphasis added). Patent Office classification of references and the cross-references

in the official search notes of the class definitions are both evidence of “nonanalogy” and “analogy”. *See id.* A reference in a field different from that of an applicant’s endeavor may sometimes be considered pertinent “if it is one which, because of the matter with which it deals, logically would have commended itself to an inventor’s attention in considering his or her invention as a whole.” *Id.* The Brustle reference is non-analogous art, and therefore cannot be relied upon by the Examiner in rejecting the subject claims.

**Brustle is in a different art from that of Appellants’ endeavor, and is therefore not analogous art.** The different U.S. and international classifications designated by the USPTO for Brustle and the subject application demonstrates that Brustle is non-analogous. *See* MPEP 2141.01(a). Moreover, the Examiner’s egregious mischaracterization of Brustle’s furniture 1 and drawers 2 (*see* reference FIG. 1 below) as “a similar device” to Appellants’ claimed coin processing device (shown in various exemplary embodiments in FIGS. 1, 4a, 5a, and 6) provides further support for a clear lack of requisite “analogy” for the cited art. Such mischaracterization of Brustle is evidenced by the Examiner’s misleading statement that Brustle discloses “disposing ... [a] coin receptacle station ... into [a] housing”, Third Final Action, at 4 (emphasis added), when in fact **Brustle does not depict, describe, or in any way disclose a coin receptacle station.** A person of ordinary skill in the relevant art to which the subject application pertains would never consider furniture, such as the clothing dresser illustrated by Brustle, as a similar device to a coin-processing machine. Respectfully, such non-analogous art may not be relied upon in attempting to substantiate a 103(a) rejection of Appellants’ claims.



Brustle is not “reasonably pertinent” because the matter with which it deals, logically, would never have commended itself to an inventor’s attention in considering the present invention as a whole. Claim 1 presents a coin processing device with a housing, a coin sorter, and “a coin receptacle station” that holds “a plurality of coin receptacles,” each of which holds coins of a single denomination. As seen, for example, in FIG. 4a (recreated below), the coin receptacle station is moveable between a first position, whereat the coin receptacle station is disposed within the housing for receiving coins from a manifold, and a second position, wherein the coin receptacle station extends out of the housing. Claim 1 also incorporates “a dampening mechanism” that exerts a damping force on the coin receptacle station during movement between the first and second positions.



In attempting to design a platform and damper assembly that can simplify and alleviate the burden associated with supporting and moving voluminous coins of unwieldy bulk and weight (e.g., hundreds of pounds of coins), such as that presented in claim 1, a person of ordinary skill in the art would never look to the design of an ordinary furniture drawer, such as that presented by Brustle. See MPEP 2141.01(a); *In re Ellis*, 476 F.2d 1370, 1372 (CCPA 1973) (Structural dissimilarities and lack of functional overlap support a conclusion that the cited reference is not analogous art.) For example, Brustle’s stated objective of “improving a pull-out guidance assembly” for furniture drawers such that the “damper can be disposed in its entirety in the

drawer,” Brustle, ¶ [0003], does not address any of the “problem(s)” addressed by Appellants’ invention - e.g., ease of transportation of bulk coins.

On a final note, in retort to Appellants’ non-analogous art arguments, presented in the May ‘09 Response, at 14, ¶ 1, the Examiner states in the “Response to Arguments” section, *in toto*, that “Brustle discloses the part of the coin receptacle station that consisted of drawer parts.” Third Final Action, at 17, ¶ 4. Once again, the Examiner’s observations in no way address the rejection deficiencies identified by Appellants, and have no relevance to the standards for assessing whether Brustle is in fact non-analogous. Firstly, Appellants do not challenge that Brustle does not disclose “drawer parts.” However, such a contention is irrelevant as claim 1 does not recite “drawer parts.” Secondly, the supposition that “Brustle discloses ... drawer parts,” as stated by the Examiner, does not address the fact that Brustle is non-analogous art - heretofore, it is uncontroverted that Brustle is not in Appellants’ field of endeavor, and does not address the same problem(s) as Appellants’ invention.

For at least the foregoing reasons, Appellants submit that the pending 103(a) rejection of claims 1, 2 and 4 is erroneous, and therefore respectfully request the Honorable Board to reverse the Examiner at least upon these grounds.

***b. The Examiner has failed to provide an “apparent reason” why a person of ordinary skill in the art would be compelled to make the Examiner’s proposed combination of Hino and Brustle to achieve Appellants’ invention.***

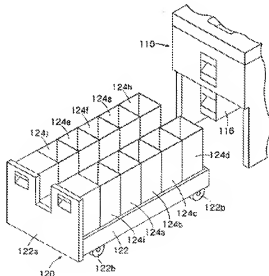
In addition to the above deficiencies, the pending 103(a) rejection of claim 1 is also improper because the Examiner has not provided an “apparent reason” why a person of ordinary skill would be compelled to modify Hino in light of the teachings of Brustle in the fashion claimed by Appellants. As noted above, the U.S. Supreme Court has stated that the law of obviousness requires the reviewing examiner to clearly articulate “an apparent reason” why a person skilled in the art would be compelled to combine “the known elements” to achieve the invention “claimed by the patent at issue”. *KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. at 1741 (Such reasoning must “be made explicit.”). The only ostensible motivation provided by the Examiner to combine Hino with Brustle is “for the purpose of disposing the dampening mechanism and the coin receptacle station into the housing.” Third Final Action, at 4, ¶ 1. In

actuality, this purported motivation/reason to combine the elements from Hino with those of Brustle is merely a pretense to combine the elements from Hino with those of Brustle. The Examiner's failure to articulate an actual reason why a person of ordinary skill in the art would be compelled to combine the cited prior art to achieve the invention "in the fashion claimed" is grounds alone to render the entire 103(a) rejection improper.

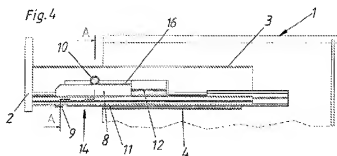
For at least the foregoing reasons, Appellants submit that the pending 103(a) rejection of claims 1, 2 and 4 is erroneous, and therefore respectfully request the Honorable Board to reverse the Examiner at least upon these grounds.

***c. The Examiner's proposed combination of Hino and Brustle is improper because it requires a substantial reconstruction and redesign of Hino.***

Irrespective of the complete lack of a proper motivation or reason to combine Hino and Brustle, any such combination is improper as it would require a reconstruction and redesign of the elements shown in the Hino reference, as well as a change in the basic principle under which Hino's storage unit 120 was designed to operate. As previously noted, an examiner's proposed modification of a cited reference is not sufficient to render a claim prima facie obvious "[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified". See MPEP 2143.01(VI); *In re Ratti*, 270 F.2d at 813; *Ex parte Lovett*, 2007-1451 (BPAI June 13, 2007).



Hino's storage unit 120 is specifically designed as a separate component from the housing of the coin processing unit 110 such that the storage unit 120 can be detached from the storage unit housing. *See*, Hino FIG. 4 (recreated above). As obvious from FIGS. 3 and 4, the storage unit 120 is not tethered or in any way mechanically coupled to the housing. *E.g.*, Hino, ¶ [0136] (emphasis added). However, if one were to integrate Brustle's pull-out guidance assembly for drawers, seen in reference FIG. 4 (recreated below), including attaching Brustle's housing 7 to Hino's processing device housing, and fastening sliding carrier 9, slider stop 9, pinion 10, body-side stop 11, tension spring 12, and rotation damper 20 to Hino's storage unit 120, would require redesigning Hino's storage unit 120 to be continuously attached and fixed to the coin processing unit 110. In so doing, an operator of Hino's coin processing device 110 would be constrained from moving the storage unit 120 away from the device 110. As such, there would be no motivation to make the Examiner's proposed modification of Hino in light of Brustle.



For at least the foregoing reasons, the pending 35 U.S.C. § 103(a) rejection of claims 1, 2 and 4 as obvious over Hino and Brustle is improper. Accordingly, Appellants respectfully request the Honorable Board to reverse the Examiner at least upon these grounds.

## 2. Claim 3

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hino in view of Jones. Appellants submit that claim 3 is patentably distinguishable from the prior art of record for at least those reasons as independent claim 1, from which it ultimately depends. *See supra*, § VII.D.1, at 25-31. According to MPEP 2143.03, “[i]f an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is [also] nonobvious.” Citing *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). The Examiner's proposed modification of

Hino in light of the teachings of Jones does not cure the fact that Hino fails to disclose all of the elements and limitations of independent claim 1.

Irrespective of the patentability of claim 1, the pending 103(a) rejection of claim 3 is erroneous *ab initio* as the cited references do not teach each and every limitation of the rejected claim. That is, the Examiner has already acknowledged in the § 103(a) rejection of base claim 1 that Hino fails to teach, *inter alia*, “a dampening mechanism configured to exert a damping force on the coin receptacle station during movement of the coin receptacle from the first position to the second position and from the second position to the first position.” The combination of Hino and Jones does not cure this deficiency. Since the Examiner has not presented a *prima facie* case of obviousness of claim 3, Appellants are under no duty to present evidence of nonobviousness. *See* MPEP § 2142; *In re Piasecki*, 745 F.2d at 1471.

For at least the foregoing reasons, the pending 35 U.S.C. § 103(a) rejection of claim 3 as obvious over Hino and Jones is improper and should therefore be reversed.

### **3. Claims 5, 7-9, 27, 33 and 34**

Claims 5, 7-9, 27, 33 and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hino in view of Lense. Applicants respectfully traverse this rejection as deficient and improper. Independent claims 5 and 27 are rejected on the grounds that Hino discloses every element and limitation respectively presented in claims 5 and 27, except for:

1. Claim 5 – “a track along which each moveable platform slides when moving from the first position to the second position and from the second position to the first position, wherein each of the moveable platforms is at least substantially centered directly over a corresponding track”; and
2. Claim 27 – “a plurality of tracks, each of the plurality of individually moveable platforms being connected to a respective one of the plurality of tracks and being physically constrained to slide only from said first operable position to said second inoperable position and from said second inoperable position to said first operable position along a corresponding one of said plurality of tracks”

*See* Third Final Action, at 5, ¶ 4, -6, ¶ 4. In light of the deficiencies of Hino, the Examiner attempts to supplement those limitations omitted therefrom by cross-referencing Lense, alleging that:



Lense shows a similar device having a track (see Fig. 3, 26; Note: the overall track profile is a rectangle) **for the purpose of supporting a platform to slide in a coin receptacle station in the housing** (column 1, lines 5-7). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Hino as taught by Lense and include Lense's similar device having a track for the purpose of supporting a platform to slide in a coin receptacle station in the housing.

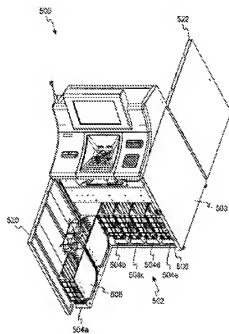
*Id.*, at 6, ¶4 (emphasis added). The pending 103(a) rejection of claims 5, 7-9, 27, 33 and 34 is improper for at least three reasons: first, the Lense reference is non-analogous art; second, the Examiner has failed to provide an "apparent reason" to make the proposed modification of Hino in view of Lense; and third, the Examiner's proposed combination of Hino and Lense is improper because it requires a substantial reconstruction and redesign of Hino.

*a. The Lense reference is non-analogous art that may not be relied upon in rejecting the pending claims under § 103(a).*

Similar to the § 103(a) rejection of base claim 1, the pending rejection of independent claims 5 and 27 is flawed for a variety of reasons. First and foremost, the Lense reference is non-analogous art, and therefore cannot be relied upon by the Examiner in rejecting the subject claims. **Lense is in a different art from that of Appellants' endeavor, and is therefore not analogous art.** The different U.S. and international classifications designated by the USPTO for Lense and the subject application demonstrates that Lense is non-analogous. See MPEP 2141.01(a). Moreover, the Examiner's glaring mischaracterization of Lense's disclosed cabinet 13 and drawers 11 (*see* reference FIG. 1) as "a similar device" to Appellants' claimed coin processing device (*see* FIGS. 1, 4a, 5a, and 6) provides additional foundation for a clear lack of requisite "analogy" for the cited art. Such mischaracterization of Lense is verified by the Examiner's misleading statement that Lense discloses "a platform to slide in a coin receptacle station", Third Final Action, at 6, ¶ 4, when in fact **Lense does not depict, describe, or in any way disclose a coin receptacle or coin receptacle station.** Respectfully, such non-analogous art may not be relied upon in attempting to substantiate a 103(a) rejection of Appellants' claims.

Lense is also not "reasonably pertinent" because the matter with which it deals, logically, would never have commended itself to an inventor's attention in considering the present invention as a whole. Independent claims 5 and 27 feature a coin

processing machines/device with a housing, a coin processing/sorting unit, and “a coin receptacle station” with “a plurality of individually moveable platforms,” each of which has “at least one coin receptacle disposed thereon”. As seen, for example, in FIG. 6 (recreated below), each platform is moveable between a first operable position, wherein the moveable platform is disposed within the housing and operable to receive coins, and a second inoperable position, whereat each moveable platform extends out of the housing. Each of the individually moveable platforms is connected to a respective track along which the platform slides when moving between the first and second positions.



**FIG. 6**

In attempting to design a coin processing device with individually moveable platforms that can simplify and alleviate the burden associated with accessing and removing voluminous amounts of coins of unwieldy bulk and weight (e.g., hundreds of pounds), such as that presented in claims 5 and 27, **a person of ordinary skill in the art would not reasonably look to the design of a furniture drawer**, such as that presented by Lense. *See* MPEP 2141.01(a); *In re Ellis*, 476 F.2d 1370, 1372 (CCPA 1973) (Structural dissimilarities and lack of functional overlap support a conclusion that the cited reference is not analogous art.) For example, Lense’s stated objective of “provid[ing] a novel construction and arrangement of the rollers and the associated

track sections **so that each roller has a relatively short axial profile** but, at the same time, the roller **has an effective diameter substantially greater than its actual diameter,”** Lense, Col. 1, Ln. 23-29, does not address any of the “problem(s)” addressed by Appellants’ invention.

For at least the foregoing reasons, Appellants submit that the pending 103(a) rejection of claims 5, 7-9, 27, 33 and 34 is erroneous, and therefore respectfully request the Honorable Board to reverse the Examiner.

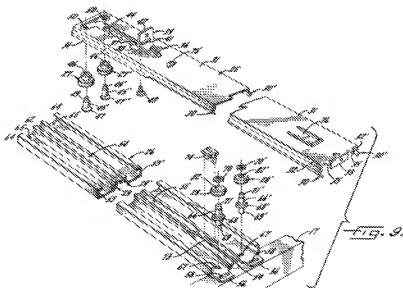
***b. The Examiner has failed to provide an “apparent reason” why a person of ordinary skill in the art would be compelled to make the Examiner’s proposed combination of Hino and Lense to achieve Appellants’ invention.***

The § 103(a) rejection of claims 5, 7-9, 27, 33 and 34 is also improper because the Examiner has not provided a proper motivation or an “apparent reason” why a person of ordinary skill would be inspired to modify Hino in light of the teachings of Lense. The only perceived reason provided by the Examiner to modify Hino in view of Lense is “for the purpose of supporting a platform to slide in a coin receptacle station in the housing.” Third Final Action, at 6. **However, Hino’s wheeled storage unit 120 is already sufficiently supported by casters 122b that permit the storage unit 120 to be drawn out of and pushed into the coin processing unit 110. As such, Hino’s wheeled storage unit 120 does not require additional structure for “supporting a platform to slide in a coin receptacle station in [a] housing,” as proposed by the Examiner.** The Examiner’s failure to provide a proper motivation or apparent reason why a person of ordinary skill in the art would be compelled to combine the cited prior art to achieve the invention “in the fashion claimed” is grounds alone to render the entire 103(a) rejection improper.

For at least the foregoing reasons, Appellants submit that the pending 103(a) rejection of claims 5, 7-9, 27, 33 and 34 is erroneous, and therefore respectfully request the Honorable Board to reverse the Examiner.

***c. The Examiner's proposed combination of Hino and Lense is improper because it requires a substantial reconstruction and redesign of Hino.***

Regardless of the Examiner's failure to present a proper motivation to combine Hino and Lense, as required by the MPEP and corresponding judicial precedent, **any such combination would require a substantial "reconstruction and redesign" of the elements shown in Hino, as well as a change in the basic principle under which Hino's storage unit 120 was designed to operate.** See *In re Ratti*, 270 F.2d at 813. The discussion above with respect to the proposed modification of Hino in light of Brustle, *supra* § VII.D.1.c, at 30, is equally relevant here, and therefore is incorporated by reference. In particular, if one were to assimilate Lense's drawer slide assembly, shown in reference FIG. 9 (recreated below), including upper and lower elongated members 25 and 26 each fastened to a respective one of Hino's processing device housing 110 and storage unit 120, journaled rollers 27, 27', 28 and 28', clip 39, tab 33, bracket 59, and the numerous other disclosed parts, would require redesigning Hino's storage unit 120 to be continuously attached and fixed to the coin processing unit 110. In addition, as seen in FIG. 4 of Lense, and explained in col. 4, lines 35-45, removal of drawer 11 from the cabinet frame is restricted by abutment 75. If one were to modify Hino to include Lense's drawer slide assembly, as proposed by the Examiner, an operator of Hino's coin processing device 110 would be constrained from moving the storage unit 120 away from the device 110. As such, there would be no motivation to make the Examiner's proposed modification of Hino in light of Lense.



For at least the foregoing reasons, the pending 35 U.S.C. § 103(a) rejection of base claims 5 and 27, as well as claims 7-9 and 33-34 which respectively depend therefrom, as obvious over Hino and Lense is improper and should therefore be reversed.

#### 4. Claim 25

Independent claim 25 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hino, in view of Lense. Claim 25 is also rejected under 35 U.S.C. § 103(a) as being unpatentable over Hino, in view of Muellner. Applicants traverse both these rejections as insufficient and improper.

The Examiner rejects claim 25 under § 103(a), finding that Hino discloses, *inter alia*, “**determining**, using a controller (U’, FIG. 42), if a predetermined number of coins (paragraph [0042], the number can be all the coins) have been discharged to a coin receptacle”, and thereafter “**automatically terminating coin sorting when said controller determines that a predetermined number of coins have been discharged** to said coin receptacle (U’; terminate when all coins have been sorted)”. Third Final Action, at 7, ¶¶ 4-5, and 8, ¶¶ 5-8 (emphasis added). The Examiner thereafter acknowledges, however, that Hino does not disclose “a track on which the platform is centered.” *Id.*, ¶ 9.

In light of Hino’s failure to disclose all of claim 25’s limitations, the Examiner turns once again to Lense, finding that “Lense shows a similar device having a track (see Fig. 3, 26) for the purpose of supporting a platform to slide in the housing (column 1, lines 5-7).” *Id.*, at 7. Based solely on this observation, the Examiner proposes that “it would have been obvious to a person having ordinary skill in the art at the time [sic] the invention to modify Hino as taught by Lense and **include Lense’s similar device having a track for the purpose of supporting a platform to slide in the housing.**” *Id.*, at 7-8. In the alternative, the Examiner cites Muellner for purportedly teaching “a similar device having a track ... for the purpose of receiving and capturing the casters (column 2, lines 57-66),” and therefore proposes that “it would have been obvious ... to modify Hino as taught by Muellner and include Muellner’s similar device having a track for the purpose of receiving and capturing the casters.” *Id.*, at 9, ¶ 2. The prior art of record (i.e., Hino, Lense and Muellner ) is insufficient to render Appellants’ claim 25 *prima facie* obvious.

***a. The Lense and Muellner references are non-analogous art that may not be relied upon in rejecting the pending claims under § 103(a).***

Lense is non-analogous art to the § 103(a) rejection of independent claim 25 for the same reasons it is non-analogous art in the § 103(a) rejection of base claims 5 and 27. *See supra*, § VII.D.3.a, at 33. Muellner is likewise not analogous art under the tenets of the law of obviousness. First, **Muellner is in a different art from that of Appellants' endeavor, and is therefore not analogous art.** The different U.S. and international classifications designated by the USPTO for Muellner and the subject application demonstrates that Lense is non-analogous. *See* MPEP 2141.01(a). Moreover, the art of designing luggage cart racks cannot be said to be in the same field of endeavor as the art of designing coin processing machines.

**Muellner is also not “reasonably pertinent” because the matter with which it deals, logically, would never have commended itself to an inventor’s attention in considering the present invention as a whole.** Independent claim 25 presents “[a] method for processing coins with a coin processing machine”. The coin processing machine of claim 25 includes a housing, a coin sorting unit disposed within the housing, and a plurality of moveable coin receptacle platforms each bearing at least one coin receptacle. Each coin receptacle platform is disposed over a track, and is independently moveable on the track.

In designing a method for processing coins with a coin processing machine, such as that presented in claims 5 and 27, **a person of ordinary skill in the art would never look to the design of a luggage cart**, such as that presented by Muellner. *See* MPEP 2141.01(a); *In re Ellis*, 476 F.2d 1370, 1372 (CCPA 1973) (Structural dissimilarities and lack of functional overlap support a conclusion that the cited reference is not analogous art.) For example, Muellner’s stated objective of “preventing insertion of ... a cart, into a capturing apparatus, such as a dispensing island, in a direction other than a desired nesting direction,” Muellner, Col. 2, Ln. 34-38, does not address any of the problem(s) addressed by Appellants’ invention.

For at least the foregoing reasons, Appellants submit that the pending 103(a) rejection of claim 25 is erroneous, and therefore respectfully request the Honorable Board to reverse the Examiner.

***b. The applied references do not teach each and every limitation of base claim 25.***

Hino, Lense and Muellner, whether considered singly or in aggregate, have not been shown to teach each and every limitation of claim 25. In particular, **neither Lense nor Muellner are directed toward a coin processing device of any manner or kind**, and therefore cannot disclose “determining, using a controller, if a predetermined number of coins have been discharged to one of the coin receptacles,” or “automatically terminating coin sorting when said controller determines that a predetermined number of coins have been discharged to said one coin receptacle,” as set forth in claim 25.

Likewise, Hino does not depict, described or otherwise disclose “**determining ... if a predetermined number of coins have been discharged to one of the coin receptacles**” and, in response to the controller “determin[ing] that a predetermined number of coins have been discharged to said one coin receptacle”, the system “**automatically terminating coin sorting**”. (Emphasis added.) The Examiner claims that Appellants’ claimed act of “determining” is disclosed in paragraph [0042] of Hino; the cited section of Hino provides no such disclosure. In contrast, paragraph [0042] of Hino states in its entirety:

[0042] In this coin sorting apparatus, coins fed into the coin-feed opening slide along the lower surface of the stationary member as the rotary disk rotates and are selectively guided by the guide structures according to their diameters. Although the outer edges of all the coins engage the radial inner edge portion of the coin passage, only the coins having diameters greater than the predetermined reference diameter run up onto the step of the coin-sorting guide. The coins that have run up onto the step are moved along the ejecting passage and are ejected outside the stationary member. The rest of the coins that do not run up onto the step are moved further forward along the coin passage.

Clearly, paragraph [0042] is directed solely to the manner by which Hino’s coin sorting apparatus sorts coins of different diameter, and does not support the Examiner’s allegations that Hino teaches the limitations highlighted above. Applicants have reviewed the Hino reference, and were unable to locate any disclosure of Hino actively “determining ... if a predetermined number of coins have been discharged”, and responsively “terminating coin sorting” upon determining that the predetermined number of coins has in fact been discharged. The pending rejection of claim 25 violates Federal judicial precedent as the applied references do not suggest or disclose all the limitations in the claim. *See In re Royka*, 490 F.2d 981 (CCPA 1974).

For at least the foregoing reasons, Appellants submit that the pending 103(a) rejection of claim 25 is erroneous and should therefore be reversed.

*c. The Examiner has failed to provide an “apparent reason” why a person of ordinary skill in the art would be compelled to make the Examiner’s proposed combination of Hino and Lense or Hino and Muellner to achieve Appellants’ claimed invention.*

In addition to Hino, Lense and Muellner failing to disclose each and every limitation of claim 25, **the Examiner has not provided a proper motivation or an “apparent reason” why a person of ordinary skill would be inspired to modify Hino in light of the teachings of Lense or Muellner.** With regard to the former, the discussion above with respect to the proposed combination of Hino and Lense as it pertains to base claims 5 and 27, is equally relevant here, and is therefore incorporated by reference. *See supra* § VII.D.3.b and c, at 34-37. For example, Hino’s wheeled storage unit 122 is already supported by casters 122b, and therefore does not require additional structure for “supporting a platform to slide in a coin receptacle station in [a] housing,” as proposed by the Examiner. In addition, combining Hino and Lense would require a substantial “reconstruction and redesign” of the elements shown in Hino, as well as a change in the basic principle under which Hino’s storage unit 120 was designed to operate.

In a similar respect, with regard to the latter, modifying Hino in light of Muellner, as proposed by the Examiner, would require a “reconstruction and redesign” of Hino’s storage unit 120 – e.g., redesigning the storage unit 120 and casters 122b to be received in and mate with Muellner’s nestable cart anti-reversing apparatus, which is explicitly designed to prevent reverse travel of the carts 14. In effect, **if one were to incorporate the teachings of Muellner into the apparatus featured by Hino, as proposed by the Examiner, an operator would be completely prevented from retracting the cart 120 (as shown in reference FIG. 4 of Hino) after inserting it into the coin processing device 110 housing.** *See* Col. 2, Ln. 34-56; Col. 4, Ln. 36-64; Col. 5, Ln. 1-16. Moreover, Muellner does **not** teach “a similar device having a track ... for the purpose of receiving and capturing the casters,” as presented by the Examiner, but rather is limited to receiving and capturing **wheels** 42. Although each of



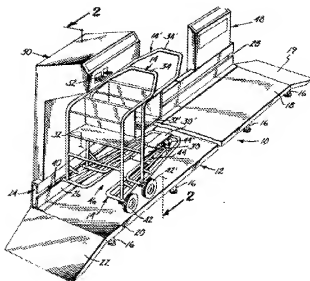
Muellner's carts 14 include a single caster 44, these are not in any way "received" nor "captured" by the track 24. Thus, Hino's coin storage unit 120 would have to be further redesigned to accommodate the teachings of Muellner. As such, there would be no motivation to make the Examiner's proposed modification of Hino in light of Lense.

For at least the foregoing reasons, the pending 35 U.S.C. § 103(a) rejections of base claim 25 as obvious over Hino and Lense or Hino and Muellner are improper. As such, Appellants respectfully request the Honorable Board to reverse the Examiner.

## 5. Claims 27 and 33

Claims 27 and 33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hino in view of Muellner. Applicants respectfully traverse this rejection as insufficient and improper.

Muellner shows a shopping cart return rack having a channel 24 into which an outwardly projecting wheel 42 of a shopping/baggage cart 14 may enter from one side **and exit from an opposing side**, but is otherwise **restricted from reverse travel** from the exit end towards the entrance end. *See* Muellner FIG. 1; Abstract; Col. 5, Ln. 1-16. The Examiner asserts that Muellner shows a "similar device" having a track, indicated as portion T1 of FIG. 1 (recreated below) on page 10 of the Third Final Action, "for the purpose of receiving and capturing casters (column 2, lines 57-66)". *Id.*, ¶1. The Examiner therefore alleges that "it would have been obvious ... to modify Hino as taught by Muellner and include Muellner's similar device having a track for the purpose of receiving and capturing the casters." *Id.* The Examiner's interpretation of Muellner is erroneous and incomplete, rendering the corresponding rejection of claim 27 insufficient.



***a. The applied references do not teach each and every limitation of independent claim 27.***

The combination of Hino and Muellner does not teach, suggest, or otherwise disclose each and every limitation of claim 27. For instance, neither Hino nor Muellner discloses, *inter alia*, “a plurality of individually moveable platforms each having at least one coin receptacle disposed thereon”. In addition, Hino and Muellner, individually and collectively, fail to disclose a “**a plurality of tracks**” or, for that matter, even a single track whereat each of the individually moveable platforms is “connected to a respective one of the plurality of tracks and [is] **physically constrained** to slide only from said first operable position to said second inoperable position and [back] ... **along a corresponding one of said plurality of tracks**”. (Emphasis added.)

The Examiner again argues, in reliance upon MPEP § 2144.04(VI)(B) and *In re Harza*, 274 F.2d 669 (CCPA 1960), that Appellants’ claimed “plurality of individually moveable platforms” is “a mere duplication” of the single, moveable cart 120 disclosed in Hino, and therefore, would have been obvious to one of ordinary skill in the art. The court in *In re Harza* stated that “[i]t is well settled that the mere duplication of parts has no patentable significance unless a new and unexpected result is produced, and we are of the opinion that such is not the case here.” *Id.* Although this is not a *per se* rule, the Examiner impermissibly treats it as such. To date, the Examiner has not set forth any evidentiary basis upon which this conclusion may be

legitimately founded. Utilization of multiple, individually-movable platforms in the manner disclosed by Applicants does function differently than a single, movable drawer, such as is provided in Hino. By way of example, the claimed “plurality of individually moveable platforms” serves to facilitate access to the coin receptacles contained within a coin processing machine and, depending on which coin receptacle(s) the operator needs to empty, the operator is enabled to slide out one of the moveable platforms 504 at a time (*see, e.g.*, FIG. 6) to access coins contained in the coin receptacle(s) of interest (*see, e.g.*, ¶ [0051]). In clear contradistinction, for the same operator to access many of Hino’s coin sorting cassettes 124a-124i requires the entire cart 120 be moved.

As stated by the Federal Circuit in *In re Ochiai*, “**reliance on per se rules of obviousness is legally incorrect and must cease.**” 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added). For a *prima facie* case of obviousness to be established, the teachings from the prior art itself must appear to have suggested the claimed subject matter to one of ordinary skill in the art. *See In re Rinehart*, 531 F.2d 1048, 1051 (CCPA 1976). The possibility that the prior art “could be” modified is not sufficient to establish *prima facie* obviousness. *See In re Fritch*, 972 F.2d 1260, 1266 (Fed. Cir. 1992). By Federal Judicial precedent, the Examiner therefore must, and has still failed to, explain why the prior art would have suggested to one of ordinary skill in the art the desirability of the asserted modification. *See Id.*, 972 F.2d at 1266.

In addition to the deficiencies highlighted above, Hino and Muellner also fail to disclose platforms that “**slide**” between “said first operable position to said second inoperable position”. The Examiner cites FIG. 4 of Hino, alleging that “122 slides into the compartment of 110”. Such a construction is not “reasonable”. The “broadest reasonable interpretation” of the claims permitted by law must be consistent with “the interpretation that those skilled in the art would reach.” *In re Cortright*, 165 F.3d 1353, 1359 (Fed. Cir. 1999). In this vein, “[c]laims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their ‘broadest reasonable interpretation’.” *In re Marosi*, 710 F.2d 799, 802, 218 USPQ 289, 292 (Fed. Cir. 1983). The Federal Circuit’s *en banc* decision in *Phillips v. AWH Corp.* expressly defined the “broadest reasonable interpretation” standard, stating that:

The Patent and Trademark Office (“PTO”) determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their

broadest reasonable construction “in light of the specification as it would be interpreted by one of ordinary skill in the art.” *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 [70 USPQ2d 1827] (Fed. Cir. 2004). Indeed, the rules of the PTO require that application claims must “conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description.” 37 CFR 1.75(d)(1).

415 F.3d 1303 (Fed. Cir. 2005) (emphasis in original). *See also, In re Hyatt*, 211 F.3d 1367, 1372 (Fed. Cir. 2000). Claims must be read in view of the specification, of which they are a part. The Examiner in the present case improperly interprets the term “slide” to include a generalized movement of drawer 122 supported by casters 122b. The Examiner thus completely disregards the context of the recited terminology as it is used in the specification and as it would be reasonably interpreted by one of ordinary skill in the art.

To wit, Hino’s coin storage unit 120 does not “slide” into the compartment 110. When it is pushed, the casters roll, and the coin storage unit 120 rolls into the compartment.

For at least the foregoing reasons, the pending 35 U.S.C. § 103(a) rejection of claims 27 and 33 as obvious over Hino and Muellner are improper. As such, Appellants respectfully request the Honorable Board to reverse the Examiner.

***b. The rejection of claims 27 and 33 as obvious over Hino and Muellner is deficient for the same reasons presented above with respect to the §103(a) rejection of claim 25.***

Respectfully, the pending 103(a) rejection of claims 27 and 33 is erroneous for at least those reasons presented above with respect to the 103(a) rejection of independent claim 25. *See supra*, § VII.D.4a and b. That is, Muellner is not analogous art under the tenets of the law of obviousness. Moreover, the Examiner’s purported reason to combine Hino and Muellner is improper as it would require a substantial reconstruction and redesign of Hino’s coin processing device 110. For at least these reasons, the pending § 103(a) rejections of claims 27 and 33 as obvious over Hino and Muellner is improper and should therefore be reversed.

**6. Claims 10, 12-16, 26, 30 and 31**

Claims 14-16 and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hino in view of Lense, and further in view of Siemens. Claims 14-16 and 26 are also rejected under 35 U.S.C. § 103(a) as being unpatentable over Hino in view of Muellner, and further in view of Siemens. In addition, claims 10, 12-13 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hino in view of Lense, and further in view of Jones. Claim 30 is also rejected under 35 U.S.C. § 103(a) as being unpatentable over Hino in view of Muellner, and further in view of Jones. Finally, claim 31 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hino in view of Lense, and further in view of Jones.

Similar to the discussion set forth hereinabove with respect to claim 3, *supra* § VII.D.2, at 31, Appellants submit that claims 10, 12-16, 26, 30 and 31 are each patentably distinguishable from the prior art of record for at least those reasons as the independent claims from which they respectively depend. The variety of modifications and combinations proposed by the Examiner do not cure the fact that the prior art of record fails to render obvious any of the pending independent claims. Accordingly, the pending § 103(a) rejections of claims 10, 12-16, 26, 30 and 31, noted above, are believed to be improper, and should therefore be reversed.

**VII. SUMMARY**

For the foregoing reasons, Appellants respectfully solicit the Honorable Board to reverse the Examiner's 35 U.S.C. § 112, first paragraph, rejections of claims 26 and 27, 35 U.S.C. § 112, second paragraph, rejections of claims 26 and 27, and 35 U.S.C. § 103(a) rejections of claims 1-5, 7-16, 25-27, 30, 31, 33 and 34, at least upon the grounds noted above.

The fee of \$510.00 required by 37 C.F.R. §41.20(b)(2) is submitted herewith.

The Commissioner is hereby authorized to charge Nixon Peabody, P.C. Deposit Account No. 50-4181, Order No. 247171-000390USPT, for any fees that may be inadvertently omitted which may be necessary now or during the pendency of this application, except for payment of the issue fee.

Respectfully submitted,

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**ENCLOSURES: Appendices IX-XII**

**IX. APPENDIX - CLAIMS ON APPEAL**

1. (PREVIOUSLY PRESENTED) A coin processing device, comprising:

a housing;

a coin sorter disposed within the housing, the coin sorter comprising:

an input hopper for receiving coins of a plurality of denominations to be sorted,

a rotatable disk for imparting motion to the plurality of coins, and

a stationary head having a lower surface generally parallel to and spaced slightly away from the rotatable disk, the lower surface having a plurality of shaped regions for controlling movement of the coins and guiding coins to a plurality of exit channels for discharging coins, the plurality of coin exit channels corresponding to a plurality of coin denominations to be processed,

a coin receptacle station disposed within the housing for holding a plurality of coin receptacles, each of the plurality of receptacles for holding coins of a single denomination, the coin receptacle station being moveable between a first position and a second position, the coin receptacle station being disposed entirely within the housing for receiving coins when in the first position, the coin receptacle station having a manifold including a plurality of coin paths for guiding coins from the exit channels to the coin receptacles when the coin receptacle station is in the first position, the coin receptacle station extending out of the housing when in the second position; and

a dampening mechanism configured to exert a damping force on the coin receptacle station during movement of the coin receptacle from the first position to the second position and from the second position to the first position.

2. (PREVIOUSLY PRESENTED) The coin processing device of claim 1, wherein the coin receptacle station includes a plurality of casters, the coin receptacle station being adapted to roll on the plurality of casters when moving between the first position and the second position.

3. (PREVIOUSLY PRESENTED) The coin processing device of claim 1, wherein the coin receptacles comprise coin bags, the coin receptacle station including a plurality of coin bag holders.

4. (PREVIOUSLY PRESENTED) The coin processing device of claim 1, wherein the dampening mechanism comprises a first end coupled to the housing and a second end coupled to the coin receptacle station.

5. (PREVIOUSLY PRESENTED) A coin processing machine, comprising:  
a housing containing a coin processing device;  
a coin processing unit disposed within the housing, the coin processing unit adapted to process received coins of a plurality of denominations and to discharge processed coins into a plurality of coin receptacles;

a coin receptacle station disposed within the housing for holding a plurality of coin receptacles, the coin receptacle station including a plurality of individually moveable platforms each having at least one coin receptacle disposed thereon, each moveable platform being moveable between a first position and a second position, each moveable platform being disposed entirely within the housing for receiving coins in the at least one coin receptacle disposed thereon when in the first position, each moveable platform extending out of the housing when in the second position, and

a track along which each moveable platform slides when moving from the first position to the second position and from the second position to the first position,

wherein each of the moveable platforms is at least substantially centered directly over a corresponding track.

6. (CANCELLED)

7. (PREVIOUSLY PRESENTED) The coin processing device of claim 5, wherein the coin processing unit comprises a coin sorter having a plurality of coin exit channels for discharging sorted coins.



8. (PREVIOUSLY PRESENTED) The coin processing device of claim 7, wherein the coin receptacle station comprises a manifold having a plurality of coin paths for directing coins discharged from the plurality of exit channels to the plurality of coin receptacles.

9. (PREVIOUSLY PRESENTED) The coin processing device of claim 8, wherein the coin receptacles are coin bins.

10. (PREVIOUSLY PRESENTED) The coin processing device of claim 8, wherein the coin receptacles are coin bags.

11. (PREVIOUSLY PRESENTED) The coin processing device of claim 10, wherein each of the moveable platforms include at least one coin bag partition for separating the coin bags.

12. (PREVIOUSLY PRESENTED) The coin processing device of claim 10 wherein the coin receptacle station includes a plurality of coin bag holders disposed proximate exits of the plurality of coin exit channels.

13. (PREVIOUSLY PRESENTED) The coin processing device of claim 5, wherein the coin receptacles are coin bags.

14. (PREVIOUSLY PRESENTED) The coin processing device of claim 5, wherein the housing further comprises a door moveable between an open position and a closed position to permit a moveable platform to move relative to the door from the first position to the second position when the door is in the open position.

15. (PREVIOUSLY PRESENTED) The coin processing device of claim 14, wherein the door is disposed on the rear side of the housing.

16. (PREVIOUSLY PRESENTED) The coin processing device of claim 14, wherein the door is disposed on the front side of the housing.

17-24. (CANCELLED)

25. (PREVIOUSLY PRESENTED) A method for processing coins with a coin processing machine comprising a housing, a coin sorting unit disposed within the housing, and a plurality of moveable coin receptacle platforms each bearing at least one coin receptacle, the coin receptacle platforms each being disposed over a track and each being independently moveable on the track, each moveable coin receptacle platform being disposed entirely within the housing for receiving coins when in a first position, the method comprising:

receiving in a coin input region a plurality of coins of a plurality of predetermined denominations;

sorting the plurality of coins according to denomination with the coin sorting unit;

directing sorted coins to the plurality of coin receptacles;

determining, using a controller, if a predetermined number of coins have been discharged to one of the coin receptacles;

automatically terminating coin sorting when said controller determines that a predetermined number of coins have been discharged to said one coin receptacle;

sliding the moveable coin receptacle platform bearing said one coin receptacle along the track from the first position to permit access to said one coin receptacle;

removing coins from said one coin receptacle; and

sliding said moveable coin receptacle platform back to the first position along the track.

26. (PREVIOUSLY PRESENTED) The method of claim 25, further comprising:  
opening a door of the housing prior to moving any coin receptacle platform;  
moving, only subsequent to the opening of the door of the housing, a coin receptacle platform from the first position.

27. (PREVIOUSLY PRESENTED) A coin processing device, comprising:  
a housing;  
a coin sorting unit disposed within the housing, the coin sorting unit being configured to sort a batch of coins and discharge the sorted coins according to denomination;

a coin receptacle area comprising a coin receptacle station disposed within the housing for holding a plurality of coin receptacles each for receiving discharged coins of a single denomination, the coin receptacle station including a plurality of individually moveable platforms each having at least one coin receptacle disposed thereon, each moveable platform being moveable between a first operable position and a second inoperable position, each moveable platform being disposed entirely within the housing for receiving coins in the at least one coin receptacle disposed thereon when in the first operable position, each moveable platform extending out of the housing when in the second inoperable position, and

a plurality of tracks, each of the plurality of individually moveable platforms being connected to a respective one of the plurality of tracks and being physically constrained to slide only from said first operable position to said second inoperable position and from said second inoperable position to said first operable position along a corresponding one of said plurality of tracks.

28-29. (CANCELLED)

30. (PREVIOUSLY PRESENTED) The coin processing device of claim 27, wherein the coin receptacles comprise coin bags.

31. (PREVIOUSLY PRESENTED) The coin processing device of claim 28, further comprising at least one coin bag partition disposed on each of the moveable platforms.

32. (CANCELLED)

33. (PREVIOUSLY PRESENTED) The coin processing device of claim 27, wherein each track comprises a stationary first member having a trapezoidal cross-sectional profile and each individually moveable platform comprises a substantially mating profile.

34. (PREVIOUSLY PRESENTED) The coin processing device of claim 27, wherein, in said second inoperable position, said individually moveable platform is substantially cantilevered relative to said track.



**X. APPENDIX – EVIDENCE**

None.

**XI. APPENDIX – RELATED PROCEEDINGS**

None.

**XII. APPENDIX – RELATED APPLICATIONS**

None.